

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
AMY TUTEUR, M.D.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 13-cv-10159-RGS
)	
GINA CROSLEY-CORCORAN,)	
)	
Defendant.)	
_____)	

AFFIDAVIT OF NICK ESPOSITO

Nick Esposito, being duly sworn, does hereby state and depose:

1. My name is Nick Esposito. Unless otherwise stated, I make this affidavit of my own personal knowledge.
2. I am the owner of Daring Host, a web hosting company. Daring Host previously hosted the website SkepticalOB.com.
3. The decision to ask Amy Tuteur to move her website to another host provider was unrelated to the DMCA complaint filed by Ms. Gina Crosley-Corcoran. As I told Amy Tuteur at the time, her site was attracting more traffic than our service could accommodate, which was adversely affecting the other websites that we host. Before asking Amy Tuteur to move her website to another host, I attempted to troubleshoot the issue with her to try to get the

site to another hosting provider that would be able to provide her with the bandwidth her site required.

4. I also mentioned to Amy Tuteur that I was concerned that continuing to host her site presented risks to my business. Although I did not go into the specifics with Amy Tuteur (other than specifically telling her my concern that her site was pulling too many resources from my servers), my concerns included (a) other customers leaving my company because her website was causing server issues from the high amount of traffic visiting her website; (b) the potential for her website to be attacked or hacked, which could/would cause issues and downtimes for customers on the same server; and (c) the obvious conflicts between Amy Tuteur and Gina Crosley-Corcoran and my fears that those conflicts might somehow spillover on my company.

5. To reiterate, though, my request that Amy Tuteur move her blog to another web hosting company was not because Gina Crosley-Corcoran had filed a DMCA takedown notice.

6. I was contacted on January 22, 2013 by one of Amy Tuteur's lawyers and I explained to him the reason for asking Amy Tuteur to move her site to another provider. Although I cannot be 100% sure, I believe that it was Attorney Russell Beck that I spoke with. My records show that the person I spoke with called from 1-617-838-**REDA**

Signed under the pains and penalties of perjury this 9th day of May, 2013.



Nick Esposito, Owner, Daring Host